UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

SANDRA E. ELLIS,
<u>Plaintiff-Appellant,</u>

v.

OFFICE MAX, INCORPORATED; SCOTT
LYNCH; KEN STERN; TERRY VAUGHN,

<u>Defendants-Appellees,</u>

and

MATT HEFFNER,
<u>Defendant.</u>

No. 99-2595

Appeal from the United States District Court
for the Western District of North Carolina, at Charlotte.
Graham C. Mullen, Chief District Judge.
(CA-98-390-3-MU)

Submitted: August 22, 2000

Decided: September 20, 2000

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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COUNSEL

N. Clifton Cannon, Jr., Gastonia, North Carolina, for Appellant. W.
T. Cranfill, Jr., Bruce M. Steen, Robert B. Meyer, MCGUIRE,
WOODS, BATTLE & BOOTHE, L.L.P., Charlotte, North Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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OPINION

PER CURIAM:

Sandra E. Ellis appeals from the dismissal of her wrongful discharge suit against Office Max, Inc. and four of its employees. We affirm.

Ellis' opening brief contends that she never received the Defendants' motion to dismiss. This issue was first raised in a motion for reconsideration, which Ellis filed after noting her appeal. Because she has not amended her notice of appeal, the issue of whether she received the Defendants' dispositive motion is not before us. See Fed. R. App. P. 4(a)(4)(B)(ii).

Ellis' reply brief reiterates her claim that she never received the Defendants' motion and further argues that the motion was meritless. We do not address the latter claim, because it was not raised below or in Ellis' opening brief. See Lewis v. INS, 194 F.3d 539, 547 n.9 (4th Cir. 1999); Skipper v. French, 130 F.3d 603, 610 (4th Cir. 1997).

For these reasons, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED